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10/526,311	03/02/2005	Melchor Daumal Castellon	001058-00023	3822
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BLANK ROME LLP 600 NEW HAMPSHIRE AVENUE, N.W. WASHINGTON, DC 20037				
EXAMINER				
KELLY, CATHERINE A				
ART UNIT		PAPER NUMBER		
3634				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/526,311

**Applicant(s)**

DAUMAL CASTELLON, MELCHOR

**Examiner**

CATHERINE A. KELLY

**Art Unit**

3634

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/02)
- Paper No(s)/Mail Date 3/2/05
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: on page 9 the specification states "door lock 1" after previously reciting and the drawings showing door 1. Also, stated "slider 7" is also not numbered in the drawings. Further, examiner requests that applicant review specification and revise any language which became unclear due to translation such as that on page 10 lines 5-6.

Claim 5 is objected to because of the following informalities: the claim is addressed to the slider 4 in the frame 2, however, examiner questions whether the intent was for slider 5 in track 6 which seems to coincide with the limitation "allowing the value of distance  $Y_1$  is as high as possible" as  $Y_1$  depends on slider 5. Appropriate correction or clarification is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

As best understood, Claims 1-3, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PG Pub 2002/0095870. The '870 reference shows the mechanism of claims 1-3 in figure 1 with track 11 and the track slider assembly 43 and in figure 2 where the disassembled door is shown but not numbered and the door or pane frame 53 contains slide 55 and pane 41. The fitting of the assembly in the lock with the track secured to the lock is taught in paragraph 13. The slide 55 shown in figure 2 is fixed as stated in claim 6 and does not allow for rotation. The '870 reference does not teach the various values and equations of claims 1-3, however, these values and equations are obvious design choices that would be obtained with only routine experimentation by one of ordinary skill in the art at the time of invention. One of ordinary skill in the art would be motivated to make such design choices based on a variety of parameters such as the size of the vehicle in which the assembly is to be placed or the need for minimal cost or maximum speed in manufacturing.

As best understood, Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0095870 as applied to claims 1-3, and 6 above, and further in view of US patent 5715630. While the '870 reference shows a lock assembly

connected to the rail of the window guide member, it does not teach the connection of lock assembly and window lift driving means of claim 4. The '630 does teach this connection in column 2 lines 21-25 and 30-31. It would have been obvious to combine to one of ordinary skill in the art at the time of invention. A motivation for such combination is given in the '630 reference in column 2 lines 37-40.

As best understood, Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0095870 and 5715630 as applied to claims 1-4 and 6 above, and further in view of US patent 3591983. The slider of the '870 reference does not have either the rotation of claim 5 or the single point of claim 7. However, both of these limitations are shown in the '983 reference where figure 2 shows follower 46 which is both attached at a single point and rotatable. In view of the examiner's earlier objection to claim 5, the rotatable follower may be viewed in combination with the track slider assembly as shown in the '983 reference or in combination with the frame slider assembly shown in figure 2 reference numeral 55 of the '870 reference. It would have been obvious to combine to one of ordinary skill in the art at the time of invention. A motivation for such combination is given in the '983 reference in column 1 lines 22-26.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CATHERINE A. KELLY whose telephone number is

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(571)270-3660. The examiner can normally be reached on Monday through Friday 8am - 4:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. A. K./  
Examiner, Art Unit 3634

/Katherine W Mitchell/  
Supervisory Patent Examiner, Art  
Unit 3634

cak